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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,994	02/27/2004	Israel Federman	20712-0073	7390

26587 7590 09/28/2005

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EXAMINER

SMITH, TYRONE W

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/788,994	Applicant(s) FEDERMAN ET AL.	
	Examiner Tyrone W. Smith	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/17/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 10-12, 19-24, 27-29 and 30 rejected under 35 U.S.C. 102(b) as being anticipated by Inaba et al (4877388).

Regarding Claims 1, 10 and 19. Inaba discloses a converter stage (Figure 3 item 10) to convert an AC voltage to a DC voltage, the converter stage being configured to be electrically connectable to an AC power source (Figure 3 item E); a DC link stage (Figure 3 item C) to filter and store energy from the converter stage, the DC link stage being electrically connected to the converter stage; an inverter stage (Figure 3 items 11 and 11') comprising a plurality of inverters electrically connected in parallel to the DC link stage, each inverter of the plurality of inverters being configured to convert a DC voltage to an AC voltage to power a corresponding load, and the control circuit (Figure 3 item 12) controls each inverter of the plurality of inverters being configured to operate substantially independently of other inverters of the plurality of inverters. Refer to column 3 lines 1-68 and column 4 lines 1-34.

Regarding Claims 2-6 and 20-24. Inaba discloses a control circuit (Figure 3 item 12) to control operation of the converter and the inverter stage. Further, Inaba discloses that the control circuit provides one set of instructions to all the inverters to control operation of the inverter. Refer to column 3 lines 1-68 and column 4 lines 1-34.

Regarding Claims 11 and 27. Inaba discloses two inverters in Figure 3 items 11 and 11'. It should be noted that in *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960) (Claims at issue were directed to a water-tight masonry structure wherein a water seal of flexible material fills the joints which form between adjacent pours of concrete. The claimed water seal has a "web" which lies ** in the joint, and a plurality of "ribs" ** >projecting outwardly from each side of the web into one of the adjacent concrete slabs. <The prior art disclosed a flexible water stop for preventing passage of water between masses of concrete in the shape of a plus sign (+). Although the reference did not disclose a plurality of ribs, the court held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced.). In the current invention and in the Inaba reference added more inverters is the discretion of the inventor and would not add any new and unexpected result.

Regarding Claim 12. Inaba discloses each inverter of the plurality of inverters is configured to provide a voltage and frequency to a corresponding load greater than a rated voltage and frequency of the corresponding load (column 3 lines 48-52).

Regarding Claim 28. Inaba discloses each inverter of the plurality of inverters comprises at least one integrated bipolar transistor power switch and at least one inverse diode (Figure 3 items 11 and 11').

Regarding Claim 29. The DC link uses a capacitor (Figure 3 item C).

Regarding Claim 30. Inaba discloses a DC bus comprises a positive rail and a negative rail; the converter section comprises at least one output connected to the positive rail of the DC bus and at least one output connected to the negative rail of the DC bus; and each inverter of the plurality of inverters comprises at least one input connected to the positive rail of the DC bus and at least one input connected to the negative rail of the DC bus (Figure 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 8 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Inaba et al (4877388) in view of Kobayashi et al (GB2264204A).

Regarding Claims 7, 8 and 25. Inaba discloses a converter stage (Figure 3 item 10) to convert an AC voltage to a DC voltage, the converter stage being configured to be electrically connectable to an AC power source (Figure 3 item E); a DC link stage (Figure 3 item C) to filter and store energy from the converter stage, the DC link stage being electrically connected to the converter stage; an inverter stage (Figure 3 items 11 and 11') comprising a plurality of inverters electrically connected in parallel to the DC link stage, each inverter of the plurality of inverters being configured to convert a DC voltage to an AC voltage to power a corresponding load, and the control circuit (Figure 3 item 12) controls each inverter of the plurality of inverters being configured to operate substantially independently of other inverters of the plurality of inverters. Refer to column 3 lines 1-68 and column 4 lines 1-34. However, Inaba does not disclose a converter stage configured in a rectifier arrangement having electronic switches that are switchable only to an on and/or off position.

Kobayashi discloses a converter stage configured in a rectifier arrangement (Figure 5 items 62a – 62d) having electronic switches that are switchable only to an on and/or off position.

It would have been obvious to one of ordinary skill in the art at the time of invention to use Inaba's invention with Kobayashi's invention. The advantage of combining the two would

provide a plurality of general-purpose motors, each coupled to a load apparatus, so as to drive the load more efficiently by means of a plurality of motors.

5. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Inaba et al (4877388) in view of Sood (5235504).

Inaba discloses a converter stage (Figure 3 item 10) to convert an AC voltage to a DC voltage, the converter stage being configured to be electrically connectable to an AC power source (Figure 3 item E); a DC link stage (Figure 3 item C) to filter and store energy from the converter stage, the DC link stage being electrically connected to the converter stage; an inverter stage (Figure 3 items 11 and 11') comprising a plurality of inverters electrically connected in parallel to the DC link stage, each inverter of the plurality of inverters being configured to convert a DC voltage to an AC voltage to power a corresponding load, and the control circuit (Figure 3 item 12) controls each inverter of the plurality of inverters being configured to operate substantially independently of other inverters of the plurality of inverters. Refer to column 3 lines 1-68 and column 4 lines 1-34. However, Inaba does not disclose a converter arrangement has a configuration selected from the group consisting of boost conversion, buck conversion and boost/buck conversion.

Sood discloses a converter arrangement has a configuration selected from the group consisting of boost conversion, buck conversion and boost/buck conversion. Refer to the abstract; Figure 4A items 62 and 70.

It would have been obvious to one of ordinary skill in the art at the time of invention to applied Sood's invention with Inaba's invention. The combination of the two would provide a buck-boost type converter to give high conduction angle and output voltage control.

6. Claims 10 and 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Inaba et al (4877388) in view of Sugiyama (JP60-102878).

Inaba discloses a converter stage (Figure 3 item 10) to convert an AC voltage to a DC voltage, the converter stage being configured to be electrically connectable to an AC power source (Figure 3 item E); a DC link stage (Figure 3 item C) to filter and store energy from the converter stage, the DC link stage being electrically connected to the converter stage; an inverter stage (Figure 3 items 11 and 11') comprising a plurality of inverters electrically connected in parallel to the DC link stage, each inverter of the plurality of inverters being configured to convert a DC voltage to an AC voltage to power a corresponding load, and the control circuit (Figure 3 item 12) controls each inverter of the plurality of inverters being configured to operate substantially independently of other inverters of the plurality of inverters. Refer to column 3 lines 1-68 and column 4 lines 1-34. However, Inaba does not disclose wire bonds sized to disconnect the inverter from the DC link stage in the event a fault occurs in one of the inverter and the corresponding motor.

Sugiyama discloses a parallel redundancy synchronous operation type inverter that if a malfunction occurs in any of three inverters when the inverters are operated in parallel, the selecting breakage switch (2) of the defective inverter is opened to disconnect the defective inverter. This is similar to the limitation of wire bonds sized (switches) to disconnect the inverter from the DC link stage in the event a fault occurs in one of the inverter and the corresponding motor.

It would have been obvious to one of ordinary skill in the art at the time of invention to use Inaba's invention with Sugiyama's a parallel redundancy synchronous operation type inverter. The advantage of combining the two would improve the reliability of an inverter by

disconnecting only the inverter when a defect occurs in any of the inverters and switching to a standby inverter.

7. Claims 13-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Inaba et al (4877388) in view of Beaverson et al (5894736).

Regarding Claims 13 and 14. Inaba discloses a converter stage (Figure 3 item 10) to convert an AC voltage to a DC voltage, the converter stage being configured to be electrically connectable to an AC power source (Figure 3 item E); a DC link stage (Figure 3 item C) to filter and store energy from the converter stage, the DC link stage being electrically connected to the converter stage; an inverter stage (Figure 3 items 11 and 11') comprising a plurality of inverters electrically connected in parallel to the DC link stage, each inverter of the plurality of inverters being configured to convert a DC voltage to an AC voltage to power a corresponding load, and the control circuit (Figure 3 item 12) controls each inverter of the plurality of inverters being configured to operate substantially independently of other inverters of the plurality of inverters. Refer to column 3 lines 1-68 and column 4 lines 1-34. However Inaba does not disclose a refrigerant circuit, the refrigerant circuit comprising a first compressor driven by a motor, a condenser arrangement and a evaporator arrangement connected in a closed refrigerant loop.

Beaverson discloses a method and apparatus for defecting surge in centrifugal compressors which includes a refrigerant circuit (Figure 1) comprising a compressor (Figure 1 item 12) driven by a motor (Figure 1 item 20), a condenser arrangement (Figure 1 item 14) and a evaporator arrangement (Figure 1 item 18) connected in a closed refrigerant loop.

Applicant should refer to M.P.E.P. 2144.04[R-1] Section VI under duplication of parts where in *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960) (Claims at issue were directed to a water-tight masonry structure wherein a water seal of flexible material fills the joints

which form between adjacent pours of concrete. The claimed water seal has a "web" which lies ** in the joint, and a plurality of "ribs" ** >projecting outwardly from each side of the web into one of the adjacent concrete slabs. <The prior art disclosed a flexible water stop for preventing passage of water between masses of concrete in the shape of a plus sign (+). Although the reference did not disclose a plurality of ribs, the court held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced.). In this case, the refrigerant circuit is duplicated to meet the needs of the inventor and invention. The duplication of parts has no patentable significance unless a new and unexpected result is produced in the case.

It would have been obvious to one of ordinary skill in the art at the time of invention to use Inaba's invention with Beaverson's a method and apparatus for defecting surge in centrifugal compressors. The advantage of combining the two would provide a system with an improved means for surge detection in refrigeration systems having a centrifugal compressor driven by an electric motor.

Regarding Claim 15. Inaba discloses a control circuit (Figure 3 item 12) to control operation of the converter and the inverter stage. Further, Inaba discloses that the control circuit provides one set of instructions to all the inverters to control operation of the inverter. Refer to column 3 lines 1-68 and column 4 lines 1-34.

Regarding Claims 16 and 17. Beaverson discloses a method and apparatus for defecting surge in centrifugal compressors which includes a refrigerant circuit (Figure 1) comprising a compressor (Figure 1 item 12) driven by a motor (Figure 1 item 20), a condenser arrangement (Figure 1 item 14) and a evaporator arrangement (Figure 1 item 18) connected in a closed refrigerant loop.

Regarding Claim 18. Inaba discloses each inverter of the plurality of inverters is configured to provide a voltage and frequency to a corresponding load greater than a rated voltage and frequency of the corresponding load (column 3 lines 48-52).

8. Claims 31 and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Inaba et al (4877388) in view of Rose (2442021).

Inaba discloses a converter stage (Figure 3 item 10) to convert an AC voltage to a DC voltage, the converter stage being configured to be electrically connectable to an AC power source (Figure 3 item E); a DC link stage (Figure 3 item C) to filter and store energy from the converter stage, the DC link stage being electrically connected to the converter stage; an inverter stage (Figure 3 items 11 and 11') comprising a plurality of inverters electrically connected in parallel to the DC link stage, each inverter of the plurality of inverters being configured to convert a DC voltage to an AC voltage to power a corresponding load, and the control circuit (Figure 3 item 12) controls each inverter of the plurality of inverters being configured to operate substantially independently of other inverters of the plurality of inverters. Refer to column 3 lines 1-68 and column 4 lines 1-34. However, Inaba does not disclose a circuit breaker or similar electrically connected in series between the AC power source and the converter section and an autotransformer electrically connected in series between the AC power source and the converter section to convert an AC voltage from the AC power source to a desired AC voltage.

Rose discloses a sectionalized variable speed drive, which includes a circuit breaker or similar (Figure 1 item 52) electrically connected in series between the AC power source and the converter section (Figure 1 items 3a-3c) and an autotransformer electrically (Figure 1 item 11)

connected in series between the AC power source and the converter section to convert an AC voltage from the AC power source to a desired AC voltage.

It would have been obvious to one of ordinary skill in the art at the time of invention to use Inaba's invention with Rose's a sectionalized variable speed drive. The advantage of combining the two would provide capability of controlling the AC voltage going to the inverter and motor thus providing a non-overload situation.

9. Claim 31-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Inaba et al (4877388) in view of Kumar (5896021).

Inaba discloses a converter stage (Figure 3 item 10) to convert an AC voltage to a DC voltage, the converter stage being configured to be electrically connectable to an AC power source (Figure 3 item E); a DC link stage (Figure 3 item C) to filter and store energy from the converter stage, the DC link stage being electrically connected to the converter stage; an inverter stage (Figure 3 items 11 and 11') comprising a plurality of inverters electrically connected in parallel to the DC link stage, each inverter of the plurality of inverters being configured to convert a DC voltage to an AC voltage to power a corresponding load, and the control circuit (Figure 3 item 12) controls each inverter of the plurality of inverters being configured to operate substantially independently of other inverters of the plurality of inverters. Refer to column 3 lines 1-68 and column 4 lines 1-34. However, Inaba does not disclose a circuit breaker or similar electrically connected in series between the AC power source and the converter section, an autotransformer electrically connected in series between the AC power source and the converter section to convert an AC voltage from the AC power source to a desired AC voltage, at least one fuse and at least one inductor electrically connected in series between the AC power source and the converter section.

Kumar discloses a circuit breaker (Figure 1 item 128) or similar electrically connected in series between the AC power source and the converter section, an autotransformer (Figure 1 item 120) electrically connected in series between the AC power source and the converter section to convert an AC voltage from the AC power source to a desired AC voltage, at least one fuse (Figure 1 item 126) and at least one inductor (Figure 1 items 130 and 132) electrically connected in series between the AC power source and the converter section.

It would have been obvious to one of ordinary skill in the art at the time of invention to use Inaba's invention along with Kumar's invention. The advantage of combining the two would provide an invention that prevents leakage current in motor, which result from freezing and thawing cycles.

Response to Arguments

10. Applicant's arguments filed July 15, 2005 have been fully considered but they are not persuasive.

Regarding Claims 1-6, 10-12, 19-24, 27-29 and 30, Applicant argues that Inaba and other references mention in the rejection do not disclose a control circuit controls each inverter of the plurality of inverters being configured to operate substantially independently of other inverters of the plurality of inverters. Further, the references do not suggest that the control circuit individually controls each inverter and provides a set of control instructions to each inverter. Examiner takes Applicants arguments in full consideration.

Examiner agrees with the Applicant that the control circuit and inverters drive the load or motors at different speed or power, however the claims states a control circuit controls each inverter of the plurality of inverters being configured to operate substantially independently of other inverters of the plurality of inverters. The Examiner believes that based on the claims as

presented Inaba teaches the claimed invention. The inverters are controlled independently by way of an control circuit. Applicant must present that the control circuit is sending a different current, signal, or similar to the inverters thereby providing different control of the motors.

Regarding Claims 7, 8 and 25, In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kobayashi discloses a converter stage configured in a rectifier arrangement (Figure 5 items 62a – 62d) having electronic switches that are switchable only to an on and/or off position. Examiner's rejection is based on the claims as presented.

Regarding Claim 9, Sood discloses a converter arrangement has a configuration selected from the group consisting of boost conversion, buck conversion and boost/buck conversion. Refer to the abstract; Figure 4A items 62 and 70. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Regarding Claims 10, 13-18, 26, and 31-34. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness

can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In response to applicant's argument that the prior art references presented is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

In this case, Examiner believes that most of the arguments presented by the Applicant is based either on reasons of combination or non-analogous art. The art presented in the case relates to control of drive circuits (inverters) for controlling a motor or load.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tyrone W. Smith whose telephone number is 571-272-2075. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin, can be reached on 571-272-2800 ext. 37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tyrone Smith
Patent Examiner

Art Unit 2837


MARLONT FLETCHER
PRIMARY EXAMINER